

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2002-0042
NPDES PERMIT NO. CA0024520
ID NO. 1B830650HUM

WASTE DISCHARGE REQUIREMENTS

FOR

SIERRA-PACIFIC INDUSTRIES
ARCATA DIVISION SAWMILL

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Sierra-Pacific Industries (hereinafter Permittee) submitted a Report of Waste Discharge dated February 27, 2001, and applied for a Permit to discharge sprinkler water runoff from the log deck at its Arcata Division Sawmill facility under the National Pollutant Discharge Elimination System (NPDES). After the application was completed, the Permittee submitted supplemental information on August 20, 2001, and January 11, 2002. These Waste Discharge Requirements (WDRs) regulate the collection, treatment, storage and disposal systems associated with the discharge of log deck sprinkler water runoff to an unnamed vegetated pond (Vegetated Pond) on the north end of the log deck.
2. The Permittee owns and operates a sawmill located at 2293 Samoa Road in Arcata and discharges log deck sprinkler water runoff (wastewater) from the facility into the Vegetated Pond that drains to the Mad River Slough within the NW 1/4 of Section 35, T6N, RIW, HB&M at latitude 40° 51' 55" N and longitude 124° 9' 11" W as shown on Attachment "1" incorporated herein and made part of this Order. The facility is located on property owned by the Permittee and property that is leased by the Permittee from Mr. Larry Ford. The Permittee sprinkles logs stored on the northern portion of the facility during dry weather to control damage to the wood prior to milling. Log deck sprinkling operations result in the generation of approximately 50,000 gallons per day (gpd) of sprinkler water runoff. Storm water runoff from the sprinkled log deck follows the same path as sprinkler water runoff. A canal gate is used to control the flow of sprinkler water runoff into a Log Deck Pond and into a bark control structure when runoff only consists of storm water. Log deck sprinkler water runoff is the only process wastewater discharge covered by this permit and log deck sprinkler water runoff can only be discharged from the Log Deck Pond (Discharge Serial 001) into the existing Vegetated Pond at the northern end of the log deck. The location of the discharge point is shown on Attachment "2", incorporated herein and made a part of this Order. Storm water runoff also discharges from several other locations around the facility.

3. Log deck watering operations involve pumping groundwater from an onsite well that is 160 feet deep and produces up to 400 gallons per minute of fresh water. Water is applied to the logs by approximately 120 sprinkler heads. Since there is no recirculation of the wastewater, the log deck sprinkler runoff is referred to as “once over water.” The “once over water” generated by log deck watering is to be directed into an unlined Log Deck Pond. The Log Deck Pond will be designed to contain the runoff and will be capable of discharging to the Vegetated Pond on the north end of the facility as shown on Attachment “2”. Log deck watering operations are to be conducted in a manner intended to minimize the volume of runoff and the frequency and volume of discharges to the Vegetated Pond. The Vegetated Pond drains to the Mad River Slough. Solids collected in the Log Deck Pond may be periodically removed and disposed of at a facility approved by the Executive Officer or at a location where waste discharge requirements have been prescribed by a Regional Water Quality Control Board and which is in full compliance therewith.
4. Cleanup and Abatement Order (CAO) No. R1-2001-0200 was issued to the Permittee on October 31, 2001. CAO Order No. R1-2001-0200 requires the Permittee to abate discharges of petroleum hydrocarbons, pentachlorophenol, tetrachlorophenol and any other toxic compounds to Mad River Slough and groundwater. CAO Order No. R1-2001-0200 also required submittal of a feasibility study workplan to address cleanup and abatement of the discharges to soil, groundwater and surface water at the sawmill. The feasibility study workplan was submitted on May 1, 2002. Within 60 days of concurrence with the feasibility study workplan by the Executive Officer of the Regional Water Board, the Permittee is required to submit a report that includes a time schedule to complete the remedial investigation, feasibility study, and remedial action plan, and all associated elements, including a public participation plan.
5. This facility is a minor discharger as defined in 40 CFR 122.21(j). This facility is rated as a “2” threat to water quality and “A” complexity, pursuant to Title 23 California Code of Regulations (CCR) Section 2200.
6. The “Water Quality Control Plan for the North Coast Region” (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies.
7. The Basin Plan contains a narrative objective (standard) for toxicity:

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassay of appropriate duration or other appropriate methods as specified by the Regional Water Board.

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in Standard Methods for the Examination of Water and Wastewater 20th Edition (1998). At a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

In addition, effluent limits based upon acute bioassays of effluent will be prescribed. Where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

8. The Permittee has storm water discharges associated with industrial activities category "ii", as defined in 40 CFR Section 122.26(b)(14). The Permittee described storm water discharges, appropriate pollution prevention practices and best management practices in a completed Notice of Intent dated January 30, 1998, and submitted it to the State Water Resources Control Board (State Water Board) pursuant to the Statewide General Permit Program. The Permittee has been issued a Statewide General Permit Order No. 97-03-DWQ (NPDES No. CAS000001), WDID No. 1B12S000440.
9. The Permittee has prepared a Storm Water Pollution Prevention Plan (SWPP Plan) and has implemented the provisions of the SWPP Plan. The SWPP Plan includes source identification, practices to reduce or eliminate pollutant discharge to storm water, an assessment of potential pollutant sources, a materials inventory, a preventive maintenance program, spill prevention and response procedures, general storm water management practices, employee training, record keeping, and elimination of non-storm water discharges to the storm water system. It also includes a storm water monitoring plan to verify the effectiveness of the SWPP Plan.
10. It is the intent of this permit to prohibit the discharge of sawdust to receiving waters. However, it is impractical to eliminate all sawdust discharges beyond that which would occur with implementation of Best Management Practices (BMPs). Numeric effluent limits were not established, as a numeric limit is infeasible. Instead, per 40 CFR 122.44(k), an effluent limitation is established to require implementation and maintenance of BMPs to reduce sawdust discharges to the maximum extent practicable. This permit includes a monitoring program to demonstrate the effectiveness of BMPs and compliance with water quality objectives.
11. The State Water Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Plan or SIP) on March 2, 2000. All provisions of the SIP became effective as of May 22, 2000. The SIP applies to discharges of toxic pollutants into the inland surface waters, enclosed bays, and

estuaries of California subject to regulation under the state's Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) and the federal Clean Water Act (CWA). The SIP establishes: (1) implementation provisions for priority pollutant criteria promulgated by the United States Environmental Protection Agency (U.S. EPA) through the National Toxics Rule (NTR) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Boards in their basin plans; (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions.

12. Insufficient background and effluent data exist to determine whether any of the priority pollutants for which criteria have been established under provisions of the SIP are, or may be, discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. On December 20, 2001, in accordance with the SIP, the Executive Officer issued a 13267(b) Order to require the Permittee to obtain the necessary data. The 13267(b) Order requires sampling for NTR, CTR and additional priority pollutants to determine if the discharge has a reasonable potential to cause or contribute to water quality impacts. The requirements contained in the 13267(b) Order list specific constituents, detection levels, acceptable time frames and report requirements. As required by the SIP, the time schedule from the 13267(b) letter is reproduced in this permit as GENERAL PROVISION E.22. After the data is gathered, the reasonable potential analysis (RPA) will be performed and the permit reopened to include additional numerical limitations, if necessary.
13. Beneficial uses of the Mad River Slough and Arcata Bay include:
 - a. industrial service supply
 - b. industrial process supply
 - c. navigation
 - d. water contact recreation
 - e. noncontact water recreation
 - f. commercial and sport fishing
 - g. preservation of areas of special biological significance
 - h. wildlife habitat
 - i. preservation of rare and endangered species
 - j. marine habitat
 - k. migration of aquatic organisms
 - l. spawning, reproduction, and /or early development
 - m. shellfish harvesting
 - n. estuarine habitat
 - o. aquaculture

15. Beneficial uses of areal groundwaters include
 - a. domestic water supply
 - b. agricultural water supply
 - c. industrial service supply
 - d. industrial process supply
16. Effluent limitations and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, and 307 of the Clean Water Act and amendments thereto are applicable to the Permittee.
17. The permitted discharge of log deck sprinkler water runoff is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Compliance with this Permit will ensure that this discharge will not cause a violation of water quality objectives. The impact on existing water quality will be insignificant.
18. The action to adopt an NPDES Permit, unless it is for a “new source,” is exempt from Chapter 3 of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., in accordance with Section 13389 of the California Water Code.
19. A public comment contended that the issuance of the NPDES permit for this facility is not exempt from CEQA on the theory that “SPI proposes to dig a Log Deck Pond and build a concrete separator basin, . . . from which there will be a discharge of pollutants, the construction of which may at some time be commenced after the publication of standards governing the source.” In short the commenter contends that these facilities constitute new sources. The concrete separator basin is not a “source” governed by this NPDES permit, because it would be used for only stormwater, not process water. Thus, the Log Deck Pond is the only facility that could potentially be a “new source.”

A “new source” is generally classified as a newly constructed building, structure, facility, or installation from which there may be a discharge of pollutants and that: (a) is constructed at a site which no other source is located; or (b) totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) has processes that are substantially independent of an existing source at the same site. 40 CFR 122.29(b).

- a. The addition of the Log Deck Pond does not involve introduction of a source to a site without an existing source. It is proposed for the SPI Arcata Sawmill, which already discharges pollutants into Mad River Slough. The Log Deck Pond would merely enable SPI to retain log deck sprinkle water runoff prior to discharge.
- b. The Log Deck Pond does not replace existing facilities. Process water runoff from the Log Deck Pond presently is discharged into the Vegetated Pond and to Mad River Slough. The addition of the Log Deck Pond would enable SPI

to retain the runoff prior to discharge. The ultimate point of discharge, the Vegetated Pond, would remain the same.

- c. The Log Deck Pond process is not substantially independent from the rest of the SPI Arcata Sawmill. The determination of whether a process is substantially independent involves the consideration of such factors as: (1) the extent to which the new facility is integrated with the existing plant; and (2) the extent to which the new facility is engaged in the same general type of activity as the existing source. 40 CFR 122.29(b)(iii).

The Log Deck Pond is integrated with the existing sawmill because it is simply interposed between the log deck runoff discharge point and the Vegetated Pond. The Log Deck Pond also proposes the same type of activity as the existing source because it functions only as a holding pond for runoff; it does not change the overall character of discharge. Accordingly, the Log Deck Pond is not substantially independent of the SPI Arcata Sawmill.

Based on the above discussion, the Regional Water Board finds that; (1) the proposed Log Deck Pond will be constructed at a site where an existing source is located, (2) the proposed Log Deck Pond does not replace any part of the structures that cause the discharge of pollutants at this existing source, and, (3) the proposed Log Deck Pond is not substantially independent of the existing source at the same site. Therefore the Regional Water Board finds that the proposed Log Deck Pond does not meet the criteria for a “new source”. The exemption from Chapter 3 of CEQA in Water Code section 13389 still applies.

20. The issuance of the NPDES permit and is also exempt from CEQA pursuant to Title 14, California Code of Regulations, Section 15301, because it is for an existing facility. A public comment contended that the construction of a concrete separator basin and the Log Deck Pond would have adverse impacts: (1) because the discharge of 50,000 gpd of log deck sprinkler water runoff from the Log Deck Pond could impact wetland habitat and special-status plant species; (2) soils excavated during construction of the separator basin and Log Deck Pond could be contaminated with dioxin; and (3) contaminated groundwater could flow into these facilities and be discharged to Mad River Slough.

The Regional Water Board has determined that these impacts are less than significant. The discharge of 50,000 gpd of log deck sprinkler water runoff is already occurring as part of existing operations at the Arcata Sawmill. Accordingly, any effects of the quantity of runoff are part of the existing conditions. The Regional Water Board would require testing of soils prior to excavation and, if determined hazardous, would require transport to a legal point of disposal. Groundwater monitoring of the site disclosed contamination from past operations of the dip tank and a cleanup of that area has commenced. Because that area of contamination is not located near the site for the separator basin or Log Deck Pond, the Regional Water Board has concluded that the potential to encounter contaminated groundwater is minimal. In the event contaminants flow out Discharge Serial 001 or Storm Water Outfall #5, they would show up in monitoring results for those discharge points. If statistical

analysis demonstrated that the levels of constituents could cause or contribute to a violation of water quality objectives, the permit would be reopened to set effluent limitations for these constituents to protect water quality. Because of the foregoing, the impacts of this NPDES permit are not significant and the issuance of the permit is exempt from CEQA as an existing facility pursuant to Title 14, California Code of Regulations, Section 15301.

21. During the public comment period on this Order, concerns were expressed about the impact of discharges of log deck sprinkler water runoff to the Vegetated Pond on wetland habitat and rare, threatened, and endangered species. Since Order 88-94 was issued, the Permittee has attempted to eliminate all discharges to waters of the United States. By minimizing sprinkler use, the Permittee has reduced sprinkler water runoff to less than a third of prior levels. This reduction in water use has enabled the Permittee to entirely prevent discharges of log deck sprinkler water to the Vegetated Pond during the last two years. Regional Board Staff have, however, observed that the elimination of discharges has negatively affected the wetland habitat in the Vegetated Pond, presumably because the pond has received less water. If the sprinkler regime continues as contemplated by this Order, future discharges of log deck sprinkler water runoff to the Vegetated Pond--although possible--are unlikely. Also, any such discharge would likely be of short duration.

Further, this Order would prevent any discharge from having significant impacts on the Vegetated Pond. For example, this Order prohibits or places limitations on: (1) acutely toxic effluent and toxicity in the receiving waters; (2) reductions in dissolved oxygen levels; (3) changes in pH; (4) increases in turbidity; (5) temperature changes; discharges of any material (e.g., oils, greases, waxes) that cause a film or coating on the surface of the water. Because of these prohibitions/limitations, the impact of any discharge to the Vegetated Pond on wetland habitat or rare, threatened, or endangered species would be less than significant.

22. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
23. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
24. This Order will serve as an NPDES Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 88-94 are rescinded and the Permittee, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the

Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Permit is prohibited.
2. Creation of a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code (CWC) is prohibited.
3. The discharge of domestic waste, treated or untreated, to surface waters is prohibited.
4. The discharge of wood treatment chemicals or stain control fungicides to surface water or to groundwater is prohibited.
5. The discharge of woody debris is prohibited. For the purposes of this prohibition, “woody debris” is defined as woody material such as bark, twigs, branches, heartwood, sapwood, or wood chips that will not pass through a one-inch diameter round opening.
6. The discharge of woody material such as bark, twigs, branches, heartwood, sapwood, wood chips, or sawdust that will pass through a one-inch diameter round opening is prohibited except as specified in EFFLUENT LIMITATION B.3.
7. The discharge of earthen material including dirt, rock, and sand, and woody material such as bark, twigs, branches, heartwood, sapwood, wood chips, and sawdust removed from the separator basins or Log Deck Pond is prohibited, except as authorized under **D. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS**.

B. EFFLUENT LIMITATIONS

1. The pH shall be not less than 6.5 nor greater than 8.5 when discharging to the Vegetated Pond.
2. There shall be no acute toxicity in the effluent. The permittee shall be considered in compliance with this limitation when the survival of aquatic organisms in a 96-hour bioassay of undiluted waste complies with the following:
 - a. Minimum for any one bioassay: 70% survival
 - b. Median for any three or more consecutive bioassays: at least 90% survival

Compliance with this effluent limitation shall be determined in accordance with GENERAL PROVISION E.20.

3. The discharge of woody material such as heartwood or sapwood, bark, twigs, branches, wood chips, or sawdust that will pass through a one-inch diameter round opening shall be reduced to the maximum extent practicable by the implementation of BMPs approved by the Executive Officer. By **October 15, 2002**, the Permittee shall submit a list of BMPs and a recommended monitoring program to the Executive Officer for approval. Once approved, the list of BMPs must be implemented to the maximum extent practicable. The permittee may seek changes to the list of approved BMPs by submitting a written request for approval by the Executive Officer.

C. RECEIVING WATER LIMITATIONS

1. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 6.0 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 6.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.
2. The discharge shall not cause the pH of the receiving waters to be depressed below natural background levels nor raised above 8.5 units. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time more than 0.2 units from that which occurs naturally.
3. The discharge shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.
4. The discharge shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
5. The discharge shall not cause the receiving waters to contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.
6. The discharge of waste shall not cause esthetically undesirable discoloration of the receiving waters to the extent that such discoloration causes nuisance or adversely affects beneficial uses.
7. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
8. The discharge shall not contain concentrations of biostimulants that promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.

9. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, degrade, or that produce detrimental physiological responses in humans or animals or cause acute or chronic toxicity in plants or aquatic life. Compliance with this objective shall be determined according to GENERAL PROVISIONS E.18 and E.19.
10. The discharge shall not cause a measurable temperature change in the receiving waters.
11. The discharge shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life.
12. The discharge shall not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
13. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the CWA, and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.
14. The discharge shall not alter the natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption.
15. The discharge shall not interfere with the attainment or maintenance of that water quality which ensures the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife and allows recreational activities in and on the water.

D. SOLIDS DISPOSAL AND HANDLING REQUIREMENTS

1. This Permit does not authorize waste discharge to land. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed at a legal point of disposal, and in accordance with the State Water Board promulgated provisions of Title 27, Division 2, of the CCR. The Permittee shall submit a separate report of waste discharge in accordance with the provisions of Division 7 of the CWC prior to storage or treatment of woodwaste at this facility. For purpose of this provision:
 - a. "Woodwaste" includes bark, rock, and/or soil from the surface or perimeter of a log deck.

- b. "Waste Piles" include windrows, fills, or dikes of woodwaste wherein visually identifiable material of woody origin may be found at depths greater than one foot below the surface.
 - c. "Waste Storage" occurs whenever a waste pile remains on the property more than 180 days.
 - d. "Waste Treatment" includes burning of waste piles.
- 2. Woodwaste, including bark, rock, and/or soil from the surface or perimeter of a log deck, shall be maintained in a clean and orderly manner. The woodwaste shall be either disposed at a solid waste facility for which waste discharge requirements have been prescribed by a Regional Water Board, or recycled.
- 3. The Permittee shall submit a solids disposal and handling report such that the Regional Water Board receives the report by February 28 of each year. The report shall describe the annual volume of solids generated during the previous calendar year by the facility, the method of compliance with 1., above, and any proposed changes in practices proposed for the current year.

E. GENERAL PROVISIONS

1. Duty to Reapply

This Permit expires on June 26, 2007. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, CCR, shall be received by the Regional Water Board no later than December 20, 2006. [40 CFR 122.41(b)]

The Regional Administrator of the U.S. EPA or the Executive Officer may grant permission to submit an application at a later date prior to the Permit expiration date; and the Regional Administrator of the U.S. EPA or the Executive Officer may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the Permit expiration date. [40 CFR 122.21(d)(2)]

2. Duty to Comply

The Permittee shall comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the CWA and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or denial of a Permit renewal application. [40 CFR 122.41(a)]

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

3. Enforcement

The CWA provides that any person who violates a Permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the CWA. [40 CFR 122.41 (a)(2)]

4. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

5. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Permittee only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 122.41(e)]

6. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Permit; or
- b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated

under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the Permittee so notified. [40 CFR 122.44(b)]

The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition. [40 CFR 122.41(f)]

7. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

8. Duty to Provide Information

The Permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information that the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The Permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40 CFR 122.41(h)]

The Permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The Permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or other authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are required to be kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

- d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the CWA, any substances or parameters at any locations. [40 CFR 122.41(i)]

10. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The Permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the Permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.
- c. Records of monitoring information shall include:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used;
 - vi. The results of such analyses;
 - vii. The method detection limit (MDL); and
 - viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).
- d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water Board (Executive Officer). Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Executive Officer. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

11. Signatory Requirements

- a. All Permit applications submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by a general partner or the proprietor, the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency, or a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. Reports required by this Permit, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:
 - i. The authorization is made in writing by a person described in paragraph (a) of this provision;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - iii. The written authorization is submitted to the Regional Water Board prior to, or together with, any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]
- c. Any person signing a document under part a or b of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

12. Reporting Requirements

- a. Planned changes: The Permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the Permit, nor the notification requirements under GENERAL PROVISION E.12 (g).
- b. Anticipated noncompliance: The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with Permit requirements.
- c. Transfers: This Permit is not transferable.
- d. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. The Permittee shall submit an annual report to the Regional Water Board such that it is received no later than February 28 following the annual reporting period. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the Permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Permit. If the Permittee monitors any pollutant more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136 or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- e. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted such that they are received by the Regional Water Board via fax, e-mail, or postal service no later than 14 days following each schedule date.
- f. Noncompliance reporting: The Permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall

contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

- g. In addition, the following events shall be reported orally as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances, and the written report shall be submitted such that an original signed written report is received by the Regional Water Board no later than 14 days after the event:

- i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in this Permit;
- ii. Any upset that exceeds any effluent limitation in this Permit;
- iii. Any noncompliance that may endanger health or the environment. This shall include, but not be limited to, any release of untreated wastewater from the collection system that reaches, or has the potential to reach, surface waters or any release of untreated wastewater greater than 5 gallons to land.

The Executive Officer may waive the above-required written report.

- h. Other information: Where the Permittee becomes aware that it failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or in any report to the Regional Water Board, the Permittee shall promptly submit such facts or information.
[40 CFR 122.41(1)]

13. Existing Manufacturing, Commercial, Mining, and Silvicultural Permittees

All existing manufacturing, commercial, mining, and silvicultural Permittees shall notify the Regional Water Board as soon as they know or have reason to believe that any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Permit, if that discharge will exceed one hundred micrograms per liter (100 ug/l).
[40 CFR 122.42(a)(2)]

14. Availability

A copy of this Permit shall be maintained at the discharge facility and be available at all times to operating personnel.

15. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the Permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
- b. Any new introduction of pollutants into the WWTF from an indirect discharge that would be subject to Section 301 or 306 of the CWA if it were directly discharging those pollutants;
- c. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment that would significantly alter the characteristics of the waste.
- d. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area, potentially causing different water quality or nuisance problems.
- e. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

16. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

17. Monitoring

The Regional Water Board or State Water Board may require the Permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including, where appropriate, biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 13383].

The Permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2002-0042 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The Permittee shall file with the Regional Water Board technical reports on self-monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event that analyses for certain constituents by a certified laboratory is infeasible, analyses by a noncertified laboratory may be approved by the Executive Officer. Conditions that must be met for Executive Officer approval include: a quality assurance/quality control program conforming to U.S. EPA or State Department of Health Services guidelines is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for review by staff of the Regional Water Board.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

U.S. EPA, Region 9
Attn: WTR-7, NPDES/DMR
75 Hawthorne Street
San Francisco, CA 94105

18. Acute Toxicity Control Provision

Compliance with the Basin Plan narrative toxicity objective shall be achieved in accordance with the following:

- a. Testing procedures specified in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (U.S. EPA Report No. EPA 600/4-90-027F, 4th edition or subsequent editions), or other methods approved by the Executive Officer, shall be used.
- b. If the result of any single acute toxicity test does not comply with the acute toxicity effluent limitation, the Permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the acute toxicity limitation, the Permittee shall initiate a Toxicity Identification Evaluation in accordance with GENERAL PROVISION E.20. If the two additional samples are in compliance with the acute toxicity requirement, then a TIE will not be required. If the discharge has ceased before the additional samples could be collected, the Permittee shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the acute toxicity effluent limitation.

19. Chronic Toxicity Control Provision

Compliance with the Basin Plan narrative toxicity objective shall be achieved in accordance with the following:

- a. Testing procedures specified in Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (U.S. EPA Report, EPA/600/4-91/003, 2nd Edition, July 1994 or subsequent editions), Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms (U.S. EPA Report No. EPA-600-4-91-002, 3rd or subsequent editions), or other methods approved by the Executive Officer, shall be used.
- b. If the result of any single chronic toxicity test does not comply with the chronic toxicity effluent limitation, the permittee shall take two more samples, one within 14 days, and one within 21 days of receiving the sample results. If two of the three samples do not comply with the chronic toxicity limitation, the permittee shall initiate a Toxicity Identification Evaluation (TIE) in accordance with GENERAL PROVISION E.20. If the two additional samples are in compliance with the chronic toxicity requirement, then a TIE will not be required. If the discharge has ceased before the additional samples could be collected, the permittee shall contact the Executive Officer within 21 days with a plan to demonstrate compliance with the chronic toxicity effluent limitation.
- c. Chronic Toxicity Screening Phase Requirements
 - i. The permittee shall perform screening phase monitoring at the start of its chronic toxicity monitoring program.
 - ii. Design of the screening phase shall, at a minimum, consist of the following elements:
 - (1) At least three test species with approved test protocols shall be used to measure compliance with the toxicity objective;
 - (2) If possible, the test species shall include a vertebrate, an invertebrate, and an aquatic plant;
 - (3) Use of test species specified in Tables 5 of the SIP and the list in Appendix II of the 1997 Ocean Plan, and use of the protocols referenced therein, or as approved by the Executive Officer;
 - (4) Appropriate controls; and
 - (5) Concurrent reference toxicant tests.
 - iii. After conducting the screening phase, the permittee may petition the Executive Officer to reduce the required testing to the most sensitive specie(s).

20. Toxicity Identification and Source Reduction Evaluations for Acute and Chronic Toxicity

The Permittee shall take steps necessary to identify and reduce the source of the toxicity in the effluent, if the discharge consistently exceeds an acute limit or a chronic trigger. The Toxicity Identification Evaluation shall be conducted in accordance with the *Methods for Aquatic Toxicity Identification Evaluations: Phases I-III* (EPA Publication 600/6-91/003, February 1991) or other methods approved by the Executive Officer. The Toxicity Reduction Evaluation shall be conducted in accordance with the *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA 600/2-88/070, April 1989) or the *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 883-B-99-002, August 1999) or other methods approved by the Executive Officer. Once the source of toxicity is identified, the Permittee shall take all reasonable steps necessary to reduce toxicity to the required level.

21. Pollutant Minimization Program

The Permittee shall, as required by the Executive Officer, conduct a Pollutant Minimization Program in accordance with the SIP when there is evidence that the priority pollutant is present in the effluent above an effluent limitation, when a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level, or when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

22. Priority Pollutant Study

The discharge may contain constituents that have a reasonable potential to cause or contribute to an exceedence of NTR, CTR water quality objectives, or supplemental constituents that could exceed Basin Plan numeric or narrative water quality objectives. The constituents are specifically listed in a 13267(b) Order for submission of a technical report issued by the Executive Officer on December 20, 2001. The permittee shall comply with the time schedule from the 13267(b) Order, which is summarized below:

<u>Task</u>	<u>Compliance Date</u>
Submit Sampling Plan for Priority Pollutant and Dioxin Studies (Completed)	May 1, 2002
Submit data gathered from priority pollutant study	April 30, 2003
Submit data gathered from dioxin study	April 30, 2003

This Provision is intended to be consistent with the requirements of the 13267(b) Order. The permittee shall submit to the Executive Officer on or before each compliance due date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the permittee shall state the reasons for noncompliance and include an

estimate of the date when the permittee will be in compliance. The permittee shall notify the Executive Officer by letter when it returns to compliance with the time schedule.

23. Reopener

The Regional Water Board may modify, or revoke and reissue, this Order if present or future investigations demonstrate that the Permittee governed by this Order is causing or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

In the event that the Regional Water Board's interpretation of the narrative toxicity objective is modified or invalidated by a State Water Board order, a court decision, or State or Federal statute or regulation, the effluent limitations for toxic pollutants contained in this Order may be revised to be consistent with the order, decision, statute or regulation.

In addition, the Regional Water Board may consider revising this Permit to make it consistent with the SIP and any State Water Board decisions arising from various petitions for rehearing, and litigation concerning the SIP, 303(d) list, and total maximum daily load (TMDL) program.

Certification

I, Susan A. Warner, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on August 22, 2002.

Susan A. Warner
Executive Officer